



PUBLIC NOTICE

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**PUBLIC SAFETY AND HOMELAND SECURITY BUREAU SEEKS COMMENT ON REQUEST
FOR WAIVER FILED BY THE TOWNSHIP OF WOODBRIDGE, NEW JERSEY
TO OPERATE A TRUNKED PUBLIC SAFETY COMMUNICATIONS SYSTEM USING
FREQUENCIES IN THE TELEVISION CHANNEL 20 BAND (506-512 MHz)**

File Nos. 0003424274 and 0003424276

Comment Date: September 26, 2008

Reply Comment Date: October 6, 2008

The Public Safety and Homeland Security Bureau seeks comment on the above-captioned applications and waiver request, as amended, initially filed on May 1, 2008, by the Township of Woodbridge, New Jersey ("Woodbridge" or "the Township").¹ Woodbridge seeks waiver relief pursuant to Section 337(c) of the Communications Act of 1934, as amended ("the Act"), 47 U.S.C. § 337(c), to use, for public safety communications purposes, a trunked public safety communications system on fifteen frequency pairs in the television (TV) Channel 20 band (506-512 MHz).² In the alternative, Woodbridge requests waiver relief pursuant to Section 1.925 of the Commission's rules, 47 C.F.R. § 1.925.

Woodbridge states that "TV Channel 20 is available for allocation in the Philadelphia metropolitan area, which encompasses a radius of fifty miles from the City of Philadelphia."³ Because the proposed frequencies are not available for use by public safety entities in the Northern New Jersey area, Woodbridge seeks a waiver of Section 90.305(a).⁴ This rule provides that base station transmitter sites must be located within eighty kilometers (fifty miles) from the geographic center of an urbanized area listed in Section 90.303.⁵ In addition, because Woodbridge proposes to operate in an area less than ninety miles from the adjacent TV Channel 21 Station WLIW, New York, New York, it requires a waiver of Section 90.307(d).⁶

¹ See File Nos. 0003424274 and 0003424276 (filed May 1, 2008, amended May 6, 2008, June 25, 2008, Aug. 15, 2008, and Aug. 18, 2008) and Applications and Waiver Request of Woodbridge Township, New Jersey Under Section 337(c) of the Communications Act of 1934, as Amended (Waiver Request).

² See Waiver Request at 6-7.

³ *Id.* at 6.

⁴ See *id.*; 47 C.F.R. § 90.305(a).

⁵ See 47 C.F.R. §§ 90.303, 90.305(a).

⁶ 47 C.F.R. § 90.307(d). (A land mobile base station which has associated mobile units must be separated from a protected adjacent channel television station by a minimum distance of 145 kilometers (ninety miles)).

Woodbridge states that it is “the fifth largest municipality in New Jersey,”⁷ and that “[a]ll Northeast corridor railroads cross Woodbridge and include public industrial stations and depots, including Metropark, New Jersey’s largest commuter rail facility.”⁸ Woodbridge adds that its “location and industrial activity contributes to extensive office park, retail shopping, and educational facilities,” including “major hospital and health care complexes” as well as the Township’s school system comprised of “24 public school facilities and numerous private education facilities.”⁹ Woodbridge states that its “[e]mergency communications are strained by poor or no coverage, antiquated equipment and inadequate capacity.”¹⁰ Woodbridge also states that “[d]ivergent spectrum resources exist between the police, fire and emergency medical agencies ... and [m]utual aid responsibilities with adjoining jurisdictions ... are hindered considerably.”¹¹

Woodbridge proposes to operate a trunked public safety communications system on fifteen frequencies in the TV Channel 20 band.¹² Woodbridge states that its proposal “reflects a regional strategy benefitting other jurisdictions,” providing “effective and broader coverage to emergency services in the region, ... extend[ing] wireless communications and emergency response capability ... and embrac[ing] a direct path to narrowband communications on a regional basis.”¹³ Woodbridge states that its proposal will enable agencies to “use less spectrum, with less infrastructure” and “bring real communications interoperability to the region’s mutual aid relationships.”¹⁴

Woodbridge is currently licensed on six frequency pairs in the TV Channel 14 and 15 bands.¹⁵ The Township states that the “[c]hannels are blocked from expansion by other licensees on the first adjacent channel or other wideband licensee on the second adjacent channel” and that the “current channel base cannot be used to generate sufficient capacity and conform to the Commission’s mandate to narrowband.”¹⁶ Woodbridge states that, if the Commission grants the applications and waiver request, it would “return to the Commission its authority to operate on its current inventory” of frequencies including 477.1625 and 477.2875 MHz, “with the exception of those dedicated to fire ground operations.”¹⁷

The Township “determined that the use of TV Channel 20 would result in the least interference and coexist with current land mobile and TV broadcasting, be consistent with the Commission’s policies and decisions and meet Woodbridge’s requirements.”¹⁸ In support of its request, Woodbridge obtained a

⁷ Waiver Request at 2.

⁸ *Id.*

⁹ *Id.* at 2-3.

¹⁰ *Id.* at 3.

¹¹ *Id.*

¹² *Id.* at 7.

¹³ *Id.* at 1-2.

¹⁴ *Id.* at 2.

¹⁵ *See id.* at 4. Woodbridge operates existing stations under call signs WIL224, KLL610, WNBU370, KLL607, KG2294, WNCL911, and WNUJ415.

¹⁶ Waiver Request at 4.

¹⁷ *Id.* at 6.

¹⁸ *Id.* at 5-6.

letter of concurrence from adjacent channel TV Station WLIW.¹⁹ Station WLIW states that “[w]e do not anticipate any harmful interference from Woodbridge Township’s operations.”²⁰ Station WLIW continues, “[s]hould it occur, Woodbridge Township has committed to work with WLIW to resolve it.”²¹ Woodbridge also obtained a letter of consent from WTXX, Inc., licensee of co-channel TV station WTXX.²² Station WTXX states that Woodbridge has agreed (i) to “work with WTXX to correct any instances of interference to WTXX’s analog or digital operations caused by Woodbridge’s land mobile operations on channel 20,” and (ii) to “accept any and all interference to its proposed land mobile operations on channel 20 caused by WTXX’s analog or digital operations on channel 20 including, in particular, any interference from WTXX to Woodbridge’s proposed land mobile operations on channel 20 caused by ducting due to the atmospheric conditions along the coastline.”²³

Woodbridge states that its consultant conducted a search “to evaluate the spectrum environment, technologies and requirements.”²⁴ The Township states that the search “revealed that no channels are available in the public safety pool”²⁵ to meet Woodbridge’s requirements, “nor can Woodbridge’s current resources be used.”²⁶ According to Woodbridge, the Frequency Advisor of the Association of Public-Safety Communications Officials, International (APCO) also “confirms that there are no channels available to meet Woodbridge’s requirement.”²⁷ Woodbridge provided a technical analysis and concludes that “the proposal will cause no interference with entities authorized to operate within frequency band 470-512 MHz.”²⁸

As a part of the analysis under Section 337(c) of the Act, as well as the Commission’s waiver criteria, we also seek comment on whether the 700 MHz public safety band would provide a viable alternative, particularly in light of the approaching February 17, 2009 digital television transition date, and the Commission’s recent actions in facilitating a nationwide, interoperable public safety network.²⁹

¹⁹ See Letter of Concurrence from WLIW to Ms. Marlene H. Dortch, Secretary, Federal Communications Commission (dated Aug. 14, 2008).

²⁰ *Id.*

²¹ *Id.*

²² See Notice of Consent Letter from Thomas P. Van Wazer, counsel to WTXX, Inc., to Federal Communications Commission (dated July 28, 2008), attaching Letter of Consent from Richard Graziano, Vice President & General Manager, Tribune Television, to Ms. Marlene H. Dortch, Secretary to the Federal Communications Commission (dated June 13, 2008).

²³ *Id.*

²⁴ Waiver Request at 5.

²⁵ *Id.* at 5-8.

²⁶ *Id.* at 8.

²⁷ See *id.* at 8. See also attachment F: Letter from Lieutenant Anthony Melia, APCO – AFC, to William Heinzelman, Township of Woodbridge (dated Feb. 21, 2008).

²⁸ Waiver Request at 10 *citing* Attachment A, Analysis of Television Broadcasting Protection with Land Mobile Sharing.

²⁹ See Implementing a Nationwide, Broadband, Interoperable Public Safety Network in the 700 MHz Band, PS Docket No. 06-229; Development of Operational, Technical and Spectrum Requirements for Meeting Federal State and Local Public Safety Communications Requirements through the Year 2010, WT Docket No. 96-86, *Second Report and Order*, 22 FCC Rcd 15289 (2007).

Interested parties may file comments on the applications and waiver request on or before [21 days after date of release], 2008. Parties interested in submitting reply comments must do so on or before [31 days after date of release], 2008. All comments and reply comments should reference the subject waiver request, including the DA number of this *Public Notice*. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

- The Commission's contractor will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue NE, Suite 110, Washington DC 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.
- U.S. Postal Service first-class mail, Express, and Priority mail must be sent to 445 12th Street, S.W., TW-A325, Washington, D.C. 20554.

The applications and waiver request can be accessed electronically via the Commission's Universal Licensing System, <http://wireless.fcc.gov/uls>. The full text of the waiver request, comments, and reply comments will be available for inspection and duplication during regular business hours in the FCC Reference Information Center (RIC) of the Consumer and Governmental Affairs Bureau, Federal Communications Commission, 445 12th Street, S.W., Room CY-A257, Washington, D.C. 20554. Copies may be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc. (BCPI), Portals II, 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554. Customers may contact BCPI through its web site, <http://www.bcpweb.com>, by email at fcc@bcpweb.com, by phone at (202) 488-5300 or (800) 378-3160, or by facsimile at (202) 488-5563. For further information regarding the public reference file for this waiver request, contact Lisa Williams, RIC, (202) 418-1352.

Because of the policy implications and potential impact of this proceeding on persons not party to the waiver request, we believe that it would be in the public interest to treat this case as a permit-but-disclose proceeding under the *ex parte* rules. See Sections 1.1200(a), 1.1206 of the Commission's rules, 47 C.F.R. §§ 1.1200(a), 1.1206. Therefore, subsequent to the release of this *Public Notice*, *ex parte* presentations that are made with respect to the issues involved in the subject waiver request will be allowed but must be disclosed in accordance with the requirements of Section 1.1206(b) of the Commission's Rules, 47 C.F.R. § 1.1206(b).

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For further information, contact Mr. David Siehl of the Policy Division, Public Safety and Homeland Security Bureau at (202) 418-1313, TTY (202) 418-7233, or via e-mail to David.Siehl@fcc.gov.

By the Senior Legal Counsel, Public Safety and Homeland Security Bureau.